IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.2660 of 1998

Between:

M/s. R.K. Distilleries, A Partnership Firm, Represented by
its Partner Sri Kenhyalal K. Herjani

..... PETITIONER

AND

1 Andhra Pradesh Beverages Corporation Limited, (State Government

Undertaking), Hyderabad.
2 The Commissioner of Prohibition & Excise, Government of Andhra

Pradesh, Hyderabad.
3 The Principal Secretary to Government, Revenue Department,
Government of Andhra Pradesh, Secretariat,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction especially one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in not accepting the tender of the Petitioner
M/s. R.K. Distilleries, situated at Yellampet Village, Medchal Mandal, Ranga Reddy District. dt: 11-4-1997 notwithstanding the Willingness and preparedness of the petitioner to submit the required E.M.D. as illegal, arbitrary and discriminatory and consequently directing the
1st Respondent to accept the tender of the petitioner dt: 11-4-1997 forthwith after receiving the E.M.D. or in any case accept or extend the said tender after receiving the E.M.D. at least w.e.f. 1-4-1998 and enter into rate contract with the petitioner and in the alternative to direct the 2nd and 3rd Respondents viz., 1. The Commissioner

of Prohibition & Excise, Government. of A.P., Hyderabad and the Prl. Secretary to Government., Revenue Department., Government. of A.P., Secretariat, Hyderabad, to refund to the Petitioner the licence fee, label approval fee paid by the Petitioner for the year 1997-98 with interest.

Counsel for the Petitioner: MR.P.SITARAMARAJU

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the action of the

1st respondent in not accepting the tender of the petitioner dated 11.04.1997 to enter into rate contract for supply of IMFL, Wine and Beer during the financial year 1997-98 notwithstanding the willingness or preparedness of the petitioner to submit the required Earnest Money Deposit as illegal and arbitrary and consequently to direct the

1st respondent either to accept the tender of the petitioner forthwith after receiving the Earnest Money Deposit or to accept or extend the said tender with effect from 1-4-1998.

When the matter is taken up today for hearing, none appears for the petitioner as well as the respondents. The relief sought by the petitioner in this writ petition is for acceptance of their tender by the

1st respondent to enter into rate contract for supply of IMFL, Wine and Beer during the financial year 1997-98 only, by lapse of time the prayer in the writ petition has become infructuous.

Hence, the writ petition is dismissed as having become infructuous. No costs.

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N.V. RAMANA, J.

Date: 20.04.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Andhra Pradesh Beverages Corporation Limited, (State Government

Undertaking), Hyderabad.
2 The Commissioner of Prohibition & Excise, Government of Andhra

Pradesh, Hyderabad.
3 The Principal Secretary to Government, Revenue Department,
Government of Andhra Pradesh, Secretariat,
Hyderabad.

4 Two CCs to GP for Prohibition and Excise, High Court Buildings,

Hyderabad (OUT)

5 Two CD copies

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